REMARKS

In response to the Official Action mailed August 12, 2003, Applicants amend their application and request reconsideration. In this Amendment, no claims are added and claim 3 is canceled so that claims 1-2 and 4-5 remain pending. No new matter has been added.

Claim 1 is amended to include the limitations of claim 3, which is now canceled. Claim 4 is also amended to include the limitations of claim 3, now canceled.

Claims 1-5 were rejected as anticipated by Garg et al. (U.S. Pat. No. 6,567,846, hereinafter Garg). That rejection is respectfully traversed.

The rejection of claim 1 is traversed, but is moot in view of the present amendment. The rejection of claim 4 is also traversed, but is moot also in view of the present amendment. The rejection of claim 3 is addressed as it applies to amended claims 1 and 4.

Regarding amended claims 1 and 4, the Official Action at page 3 contends that Garg teaches that "the instruction is transferred between the screen control, application control, application means, and display via an event queue and call function (implicit within column 23 lines 15-40 for example)." Because the Official Action alleges that the teachings of the claim are implicit within the description of Garg, this argument amounts to a rejection based on inherency and, as such, the argument is erroneous.

To maintain a rejection based on inherency, an Official Action must provide a rationale making clear that the missing limitation of the rejected claim is necessarily present in the reference (see *In Re Robertson*, 212 USPQ 1949, 1950-51 (Fed. Cir. 1999)). However, there is no explanation in the Official Action as to why Garg necessarily includes *a screen control means that transfers an instruction to an application control means using one of an event queue and a call function, an application control means that transfers an instruction to an application means using one of an event queue and a call function, an application means that transfers an instruction to the screen control means using an event queue, and a screen control means that transfers an instruction to the display means using an event queue*. Besides the absence of any explanation, those limitations are, in fact, not implicit within in the cited text or any other part of Karg. Because Karg relates to a distributed messaging framework, instructions might also be passed through the network layer, rather than operating system layer, destroying the inherency rejection.

Clearly, Karg fails to teach all of the limitations of claims 1-2 and 4-5, as amended. Accordingly, the rejection of those claims is erroneous and should be withdrawn.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the

Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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AWF/tps

Amendment or ROA - Regular (Revised 7/29/03)